

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.29 of 2015

ORDER:

Heard learned counsel for petitioner.

The grievance of the petitioner/accused seems to be that inspite of counsel for accused filing a memo dated 22.12.2014 seeking transfer of C.C.No.797 of 2014 which is a case under Section 138 of Negotiable Instruments Act to proper Court in the light of Hon'ble Apex Court's judgment in ***Dashrath Rupsingh Rathod vs. State of Maharashtra and another***^[1], the trial Court did not pass any speaking order on the memo and on the other hand, the trial Court is proceeding with the case which causes prejudice to the petitioner/ accused. He thus seeks direction to the trial Court.

In the light of above submission, at the admission stage this petition is ordered thus:

Learned Judicial Magistrate of First Class, Nandyal is directed to hear both sides on the memo dated 22.12.2014 said to be filed by the counsel for petitioner/accused and pass an appropriate reasoned order in the light of judgment of Hon'ble Apex Court reported in ***Dashrath Rupsingh Rathod's*** case (1 supra) at the earliest.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 03-02-2015

Note: Issue C.C by today.

(b/o)

SCS

[\[1\]](#) (2014) 9 Supreme Court cases 129